

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.717/92

Date of Order: 21.8.1992.

BETWEEN:

M.Nageswara Rao

.. Applicant

A N D

1. Divisional Engineer(Telecoms)
Mtce. Rajahmundry, E.G.Dist.
2. District Manager(Telecoms)
Rajahmundry, E.G.Dist.
3. Divisional Engineer(S.B:P.)
Telecom, Rajahmundry.

.. Respondents.

Counsel for the Applicant

.. Mr.C.S.Venkatesh
for
Mr.C.Dhanamjaya

Counsel for the Respondents

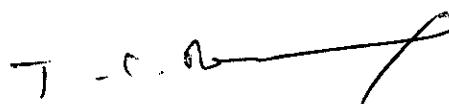
.. Mr.N.V.Raghava Reddy

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

(Order of the Single Member Bench is delivered by

Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)).



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This is an application filed under Section 19 of the Administrative Tribunals Act to quash the order of the 3rd respondent dated 10.10.1991 in not considering the applicant to the promotional post of Technician under time bound promotion scheme.

The facts giving rise to this OA in brief are as follows:

3. Certain disciplinary proceedings were initiated against the applicant who is working as Technician in the Telecom Department for allegedly claiming false T.A. bills. A regularly enquiry officer was appointed. Proper charge/charges were framed against the applicant by the enquiry officer. The applicant during the course of the enquiry admitted the charge/charges framed against him. The enquiry officer submitted his report to the Disciplinary authority holding that the charge/charges stood proved as against the applicant. The Disciplinary authority accepted the findings of the enquiry officer and imposed on the applicant the punishment of with-holding the next one increment due to the applicant for a period of one year when the same fell due in the time scale pay of technician without cumulative effect. The said order of the disciplinary authority imposing the penalty is dated 8.7.1991. When the said penalty was in force, the departmental promotion committee had met to consider the technicians for promotion on time bound promotion scheme. The departmental promotion committee admittedly had not considered the applicant for promotion due to the fact that the applicant was undergoing penalty. By the impugned order dated 14.10.1991 the applicant had been informed that he had not been considered for promotion on time bound promotion scheme. It is the said order that

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To

1. The Divisional Engineer (Telecoms) Mtce. Rajahmundry E.G.Dist.
2. The District Manager (Telecoms) Rajahmundry E.G.Dist.
3. The Divisional Engineer (S.B.P) Telecom. Rajahmundry.
4. One copy to Mr.C.Ihanamjaya, Advocate, plot No.8 1-2-234/13/8, Aravind Nagar, Hyderabad.
5. One copy to Mr.N.V.Raghava Reddy, Addl. CGSC. CAT.Hyd
6. One spare copy.

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questioned in this OA as already indicated above.

3. Today we have heard Mr. C. S. Venkatesh for Mr. C. Dhanamjaya, Advocate for the applicant and Mr. N. V. Raghava Reddy, Standing Counsel for the respondents.

4. It is now well settled in view of the decision reported in A.I.R. 1991 S.C. page 2010 in Union of India Vs. K.V. Janakiraman and others, respondents, when a Govt. servant is undergoing penalty that the said government servant should not be promoted during the said period of penalty. In view of this position it cannot be said that the action of the respondents in not considering the applicant for promotion on time bound promotion scheme is not valid. Hence the action of the respondents in not considering the applicant for promotion has got to be upheld and hence this OA is liable to be rejected and is accordingly rejected under the Provisions of 19(3) of the Administrative Tribunals Act. Even though we have rejected this OA, this order does not preclude the respondents to consider the applicant the said promotion in accordance with law from the date the said penalty period is over.

T. Chandrasekara Reddy

(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 21st August, 1992

(Dictated in the Open Court)

Deputy Registrar (J)

TYPED BY

RM
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COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 21 - 86 - 1992

ORDER / JUDGMENT

R.A. / C.A. / M.A. NO

in

O.A. No. 717/92

T.A. No.

(W.P. No)

Admitted and interim directions
issued

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

No orders as to costs.

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